THE DEPUTY CHAIRMAN : What is the point of order ?

SHRI V. NARAYANASAMY : My point of order is that according to the List of Business, Wild Life (Protection) Amendment Bill shall come before the two statements...(*interruptions*)...

THE DEPUTY CHAIRMAN : Mr. Narayanasamy, there is no point of order. Will you please take your seat ? I am not entertaining your point of order about anything... (*interruptions*)... Let me finish this.

SHRI V. NARAYANASAMY : We will go according to the List of Business. As per your ruling, we will go according to the List of Business. I am just reminding you. If the House so agrees, I will have no objection. But the thing is that according to the List of Business...(*interruptions*)...

THE DEPUTY CHAIRMAN : The House has agreed.

DR. YELAMANCHILI SIVAJI (Andhra Pradesh) : The House has not agreed...(*interruptions*)...

THE DEPUTY CHAIRMAN : I have already called...(*interruptions*).

I am not permitting. I must finish this. The business of Government has got more importance.

An HON. MEMBER : The Minister's statement is not listed.

THE DEPUTY CHAIRMAN : Mrs. Alva, you must control your own Members. They do not understand the importance of the Bill. I do not understand this...(*interruptions*)... There is no point of order.

SHRI V. NARAYANASAMY : It is not a question of controlling the Members.

THE DEPUTY CHAIRMAN : It is a Government business. You should understand this. It has got precedence over any other business. Please take your seat...(*interruptions*)... Mr Narayanasamy, please sit down...(*interruptions*).... Please, Mr. Narayanasamy, I do not understand why the Members are agitated at this hour. I have already called. I am not going to go back. I must tell the Members that I can be indulgent at times but when there is some important business, I cannot be indulgent and let everybody take the House for granted. Please take your seat. I am not allowing...(*interruptions*)... Please take your seat.

SHRI MENTAY PADMANABHAM : This is also very important, Madam.

THE DEPUTY CHAIRMAN : I have to finish this Bill.

SHRI MENTAY PADMANABHAM : I am not speaking about the Information Minister's statement.

THE DEPUTY CHAIRMAN : That is all... (*interruptions*)... That is all. Please, everybody should have peace here... (*interruptions*) ... I do not understand what is this disapproval.

DR. JINENDRA KUMAR JAIN: You will understand if only I am permitted to speak.

उपसभापति : बोलिए । डिसएप्रूव करिये, जो भी करना है ।

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL THE WILD LIFE (PROTECTION) AMENDMENT ORDINANCE, 1993

II. THE WILD LIFE (PROTECTION) AMENDMENT BILL, 1993.

DR. JINENDRA KUMAR JAIN (Madhya Pradesh) : Madam, I thank you for allowing me to move the Resolution. I move :

> "That this House disapproves of the Wild Life (Protection) Amendment Ordinance, 1993 (No. 7 of 1993) promulgated by the President on the 2nd January, 1993."

Madam, as per your advice, I will be very brief and I will give you the reasons for moving my Resolution for disapproval.

Firstly, this is an ordinary piece of legislation. This could have been brought forward as a normal Bill. Why this Ordinance ? This tendency of the Government as also of such a dynamic man as Mr. Kamal Nath to have an Ordinance is what is objectionable in my view. I thought I must oppose this because this speaks of the inefficiency of the Government. Why should Parliament condone, legitimise and pay for the inefficiency of the Government ?

Madam, it will not take even one minute for me to explain this point. The amendment Bill was mainly to enable the Government to create a Central authority for overseeing the functioning and management of the zoos in the country. Now, section 38H of the Act is still there with a minor amendment. They were expected to make an application in the prescribed form. The guidelines were to be issued by the Ministry under which they could make the application. Not a single existing zoo could make that application because the Government had failed to make the guidelines within six months. Now, a reason has been given that they require consultations. When they came to this Parliament and made the provision, "six months", did they not know that they would require two years and not six months ? They could have asked for two years at that time. This is a very innocuous thing and this is not such a very important thing. But my objection is that this Government is taking the Parliament for granted and day after day, in one form or the other, they are showing disrespect to this institution of Parliament and this is where my concern is.

As far as the Bill as such is concerned, I agree with your observation that there is hardly anything to talk about. The question is whether the Government cannot act efficiently and know beforehand whether they want six months or six years. Today, Madam, I am willing to grant thus period of six years. But will this Government take this Parliament seriously and show it the respect that it deserves ?

Madam, by the time they had got this amendment passed and by the time they had the Ordinance, certain things happened which show the inadequacy of the law. This is dealing with the administration of the zoos and the entire spirit of the Ordinance or Act is kindness to the animals. But some of us behave not like animals, but worse than animals. In this context, I am reminded of a zoo, an animal park, in Kerala, which was burnt by human beings recently. A snake park in Kerala was set on fire by human beings as a result of a political fight which was an intra-party affair ! Now, here was an opportunity, when the honourable Minister was coming to this House, to have said something in this. But there is nothing in this. I will be satisfied if he says, "O. K. I appreciate that if the human beings are so unkind to the animals, in the guidelines that I propose to make, I will surely make enough provisions to see that human beings are not allowed to behave worse than animals." I wonder, myself being a Jain, what it is that we are doing to the principle of Ahinsa. When you go to make laws, please be considerate and be kind, not only to the animals, but also to the people of this country and also to the Members of Parliament. Be kind and don't keep bothering us with small small errors of your judgment, small acts of inefficiency, which travel right from the smart man who is the Minister in charge of this down to every other person. I assure you that we will do it. But why do you do it in this way ? The House has a right to know. Okay, I would never disobey the Minister of Parliamentary Affairs. With these words, I finish and I request . . .

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS WITH ADDITIONAL CHARGE OF THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA) : Why don't you spare at least the wildlife ?

DR. JINENDRA KUMAR JAIN : I can spare any degree of wildness, but the institution of Parliament is meant for making the serious business of legislation. And I feel sorry that whenever we come to the serious business of legislation, some of you become so restless. Sit in the House like I sit and debate. Thank you, Madam.

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH) : Madam, I beg to move :

> That the Bill further to amend the Wild Life (Protection) Act, 1972, as passed by the Lok Sabha, be taken into consideration.

Madam, the Bill has a very limited ambit and is aimed at facilitating action on the stipulations laid down by this august House in terms of Section 38H of the Wild Life (Protection) Act, 1972, that no zoo will be operated without being recognised by the Central Zoo Authority established in terms of Section 38A of the said Act. The Wild Life (Protection) Amendment Act, 1991, had provided that all the zoos operating in the country on the date the relevant provisions came into force, could operate without recognition for a period of six months. However, the zoos which had put in the application to the Central Zoo Authority were to be allowed to operate till the rejection of the application.

Madam, the said provisions of the Act came into effect on 4th February, 1992. All the zoos were, therefore, expected to submit their applications to the Central Zoo Authority before 4th August, 1992. However, the notification of the rules for recognition of the zoos could be finalised by the Central Zoo Authority only by August 4, 1992 and, therefore, the zoos could not submit the applications within the stipulated time laid down in the Wild Life (Protection) Amendment Act, 1991. To enable the zoos to submit their applications and not become illegal in terms of the provisons of the said Act, it was decided to extend the period for which the zoos could operate without recognition from 6 months to 18 months. In other words, the zoos could now submit applications to the Central Zoo Authority before 4th August, 1993.

I am aware, Madam, of the general feeling of this House towards legislation through Ordinances, as specially highlighted by my friend, Dr. J. K. Jain. In the normal course, I would have myself been reluctant to resort to this measure of enactment. However, in the present case since the Central Zoo Authority could not accept applications from zoos which, in terms of the provisions of the Wild Life (Protection) Amendment Act, 1991, were operating without legal sanction, it was imperative that the extension of the time limit was brought into effect immediately and hence the enactment was made through an Ordinance on 23rd October, 1992.

Madam, the Bill to replace this Ordinance was introduced in the other House on 27th November, 1992. It could not, however, be taken up for consideration in the 5th session of the 10th Lok Sabha.

Since the provisions of this Ordinance were required to be continued, after the Houses were prorogued, an Ordinance was issued on 2nd January, 1993. The present Bill seeks to replace the said Ordinance.

Madam, the question of wild life conservation is very vast, and different aspects of it are very basic to preservation of nature and eco-systems. Several aspects of this question, including the serious depletion of our biological heritage and the continuing threat to wild life from poaching and encroachment and the difficulties experienced by people who are dependent on the forests for their daily needs have been raised by hon. Members on the floor of the House and by eminent conservationists, sociologists and voluntary workers outside. It would not, however, be appropriate or even practicable to consider the question of wild life conservation in all its aspects at this juncture in the context of the present Bill which is under consideration of the House mainly because the ambit of the present Bill is extremely limited and it only to meet a procedural technical requirement.

I would, therefore, not go into the general question of wild life conservation and command to the House that the Bill further to amend The Wildlife (Protection) Act, 1972, may kindly be taken into consideration.

The questions were proposed.

THE DEPUTY CHAIRMAN : Shri Rajagopal, not here. Dr. R. K. Poddar, not here. Shri Padmanabham.

SHRI MENTAY PADMANABHAM (Andhra Pradesh) : As the Minister said,

the Bill is for a limited purpose. The purpose is all right and we all welcome any effort to conserve wildlife and that is really important also under the present conditions in the country. But the reasons given by the Minister for promulgating Ordinance are not at all convincing. He can as well bring in a legislation with retrospective effect and can correct whatever infirmities are there in the original Act. Therefore, this practice of resorting to Ordinances is rather sickening. To say everyday that this Ordinance is bad, or this kind of thing is not good or this is rather unconstitutional, could be avoided. Progulgation of an Ordinance amounts to bypassing the Parliament which is a very bad practice. Still, I do not know if there is a scope for bringing in a comprehensive legislation. There is a scope for taking the Parliament into confidence But the Government is resorting to Ordinances which is really not good. I am sure that from now onwards at least, the Government will discontinue this practice of legislation by Ordinances. This is highly undemocratic and amounts to bypassing the democratic processes. Therefore, if the Minister could give us further explanation as to how this Ordinance was absolutely necessary, we have no objection to pass this Bill. Thank you.

THE DEPUTY CHAIRMAN : Shri Moolchand Meena, not here. Shri Gohain, not here. Dr. Jain, would you like to reply ?

DR. JINENDRA KUMAR JAIN (Madhya Pradesh) : I would only like to thank Mr. Padmanabham, the sole....

SHRI V. NARAYANASAMY (Pondicherry) : Not others!

DR. JENENDRA KUMAR JAIN : Those who spoke.

SHRI V. NARAYANASAMY : But we have been sitting here.

DR. JENENDRA KUMAR JAIN : I would like to make a special mention about the contribution to the debate made by Shri Narayanasamy by sitting here quiet because we can destroy the whole seriousness sometimes, not always, by unwarranted interruptions. I thank Mr. Narayanasamy specially, and I thank Mr. Padmanabham who gave his valuable suggestions.

I have no serious interest to press my motion of disapproval. I wanted to make a point that the hon. Minister should respect this Parliament, should improve the efficiency of his department and should be able to prejudge what he should bring before this House. If the hon. Minister can give an assurance that yes, he has taken note of his duties and responsibilities and he will show respect to this House of Parliament which is due to us, I will be happy to withdraw my motion of disapproval.

SHRI KAMAL NATH : When the amendment Bill was passed with the provision for creating of a Central Zoo Authority, this provision of six months was made out of the consideration that six months' time would be adequate to frame rules thereafter. Once the Central Zoo Authority was formed, it was found that there were a vast number of suggestions coming. We consulted the State Governments earlier but thereafter again, the State Governments had various suggestions to make. Just to give an example. Within the definition of 'Zoo' also came thing like deer parks; also came situations where somebody was keeping 10 animals. Such things started coming within the ambit of 'Zoo'. Because of this, wide-ranging consultations had to be held. Such wide-ranging consultations were not anticipated when the enactment was introduced. I remember piloting this Bill myself—the Wild Life (protection) Amendment Bill—which created this provision of six months, which created the Central Zoo Authority. At that time, we considered this six months time to be very adequate and we were hopeful that this would happen. Eventually, with the kind of suggestions we got—some very valid ones—with the kind of interaction required to be done, I did not want to frame such rules which would require amendments subsequently. The rules could have been framed in a rush. But that, I think, would have negated the very purpose of this enactment.

Therefore, Madam, it was our intention to have rules which were well thought out, which had been gone into by everybody, where wide—ranging consultations were held, where interaction with the experts in the field was done. That is why it took time. It took more than six months in order to be even more certain, in order to make rules which would not require modifications in the near future.

SHRI MENTAY PADMANABHAM: You could have validated it retrospectively. If there were any infirmities, you could have asked the State Governments to send their proposals and, subsequently, you could have brought forward a Bill to make these suggestions valid retrospectively. There should have been no difficulty about it. I do not know why...

SHRI KAMAL NATH : I will again explain. There was a provision that within six months of the enactment, all zoos whose applications were not received would not be legal. The applications could not be received because under what rules, within the framework of what rules, would an application be received? It was this which took time and which disabled the zoos from making the application, without which, without making that application, the zoo would have become illegal. That was the situation. That is what necessitated this and very reluctantly we had to promulgate this Ordinance.

Therefore, I do not think my hon. friend, Dr. Jain, should infer that it means any disrespected to this august House. With all due respect to this august House, I would say that there were compulsions which necessitated this. I am confident that he would understand that we should have rules, that we should have rules which are framed after consulting a wide-range of people, taking into consideration all viewpoints taking into consideration the inputs provided by experts, by non-governmental organisations and the people at large. There is no disrespect meant to the House in any way whatsoever and I would, Madam, through you, dispel this erroneous notion in the mind of the hon. Member, Dr. J.K. Jain. I completely share his sentiments in regard to the need for showing care and kindness towards animals. There is no doubt, but I only hope that the same care and kindness is there in his mind and heart towards human beings; I am sure he does have.

श्री शंकर दयाल सिंह (बिहार) : बहुत अच्छा काम कर रहे हैं । हम लोगों का सपोर्ट है । यह सब तो ऐसे ही है ।

SHRI KAMAL NATH : I believe this also answers the point made by Dr. Padmanabham..

SHRI MENTAY PADMANABHAM: I am not a doctor.

SHRI KAMAL NATH: This also answers the point of Mr. Padmanabham.

In regard to Kerala, in passing, I would like to say because a reference was made to it. It was a very ghastly incident where there was an attack on the snake park, at Parasinnikavu, in Kannur District.

THE DEPUTY CHAIRMAN: Was the attack on snakes or elephants?

I read that there was an attack on elephants also.

SHRI KAMAL NATH: This refers to the snake park in Kerala.

श्री सुरेश पचौरी : महोदया, यह एक संयोग की बात है कि आज हम यहां "द वाइल्ड लाइफ (प्रोटेक्शन) अमेण्डमेण्ट बिल" पास करने जा रहे हैं और इसे बहुत गंभीरता से हमारे माननीय सदस्य डा० जे० के० जैन ने लिया है, लेकिन उन्हीं की पार्टी के लोगों ने मन्दिर के एक हाथी को मारा है । मैं माननीय मंत्री जी से आग्रह करूंगा करूंगा.... (**व्यवधान**)... यह आज के समाचार पत्र में छपा है, महोदया ।

डा० जिनेन्द्र कुमार जैन : आप असत्य न बोलें । कुछ ख्याल करें । आज के दिन तो कम से कम ऐसी बात न करो ।

Be kind. Be truthful. Be decent.

THE DEPUTY CHAIRMAN : The Minister will answer.

श्री सुरेश पचौरी : महोदया, जब हम इस बिल को पास कर रहे हैं, तो क्या मंत्री जी इस बात की जांच कराएंगे ? इसमें जो दोषी पाए जाएंगे, उनके खिलाफ सख्त से सख्त कार्यवाही करेंगे ? और, उसमें सिफारिश माननीय सदस्य की नहीं मानेंगे ?

SHRI KAMAL NATH : Madam, I do not have any knowledge, but I am confident that Dr. Jain will not, with his love and care for animals, support killing of elephants in temples, not even by his party members. I do not know the authenticity of this, but I do not think he would support this.

With regard to Kerala, this was a very ghastly incident, enquiries are taking place. Action has taken place. I have also discussed this very recently with the Chief Minister of Kerala when I was there. I am confident that those responsible for it will be brought to book.

I commend to this House passing of this Bill again and I hope my reply would satisfy the hon. Members.

THE DEPUTY CHAIRMAN : As a zoologist I am very happy that this Bill is being passed. (*Interruptions*). Whatever it might be. मिस्टर जैन, आप अपना रेजोल्यूशन विदड्रा कर रहे हैं ?

डा० जिनेन्द्र कुमार जैन : अफसोस के साथ कि मैंने खाली चाहा था कि वे कहें,

yes, I will improve the efficiency of my Department. Why should the Minister have so much ego and not tell the truth ? I think his ego may be his problem, yet I will cooperate with him and I withdraw my Resolution.

THE DEPUTY CHAIRMAN : From what I heard from the Minister I feel he is sincere about it, that he never knew that there would be so much enthusiasm about the zoos and about the animals and that perhaps brought it to that level that the delay took place. I do not think I have any reason to disbelieve him.

DR. JINENDRA KUMAR JAIN : It may be an error of judgement. Yet I cooperate.

THE DEPUTY CHAIRMAN : May be, you are right, but I give benefit of doubt to the Minister.

Now, has he the leave of the House to withdraw his Resolution ?

The Resolution was, by leave, withdrawn

THE DEPUTY CHAIRMAN : Now I put the motion of Shri Kamal Nath That the Bill further to amend the Wild Life (Protectoin) Act, 1972, as passed by the Lok Sabha, be taken into consideration.

The motion was adopted

THE DEPUTY CHAIRMAN : We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 and 3 were added to the Bill

Clause 1, the Enacting Formula and the Title were added to the Bill

SHRI KAMAL NATH : Sir, I move : That the Bill be passed.

The question was put and the motion was adopted

THE DEPUTY CHAIRMAN : Now we take up the statement ...

STATEMENT BY MINISTER

Accidental deaths in Shahad, Kalyan, near Bombay due to Toxic Release from M/s. Century Rayon Limited

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH) : I have also a statement...

THE DEPUTY CHAIRMAN : You can lay it on the Table. (*Interruptions*). He is taking the permission to lay it on the Table.